BOOK NOTICES.

THE CONSTITUTION OF THE UNITED STATES AT THE END OF THE FIRST CENTURY. By GEORGE S. BOUTWELL. Boston, Mass.: D. C. Heath & Co., 1895.

This is a book deserving special commendation. Such is the opinion we have formed after reading it through with some care. The purpose of the author, as stated in the preface, is to "set forth in a concise form the substance of the leading decisions of the Supreme Court, in which the several articles, sections, and clauses of the Constitution of the United States have been examined, explained, and interpreted." This purpose has been accomplished in admirable form. Under each section and clause of the Constitution the Supreme Court decisions construing the section or clause are cited: so that all may be readily found and examined. The leading decisions under the several sections are referred to, and the conclusions reached by the court set forth, in successive chapters. If anybody—whether judge, lawyer, teacher, student, or layman—wants to know what the Constitution of the United States is, as construed by the Supreme Court, he will be better aided in his inquiries by this volume of 400 pages than any on the same subject that has come under our observation. The author, generally and wisely, contents himself with giving the decisions of the court, seldom venturing an opinion of his own.

In noticing the famous *Dred Scott* decision, we are glad to see that he takes occasion to vindicate Chief Justice Taney from the charge recklessly and wantonly made by sectional partisans in ante-bellum days, that he *decided* that "a negro had no rights which a white man was bound to respect." He *decided* no such thing. He merely stated that such was the opinion of the civilized world down to a certain period, and his statement is incontrovertibly true. We quote from the author at pp. 386, 387:

"Sec. 707. In that opinion [in the *Dred Scott* case] Chief Justice Taney reviewed the history of negro slavery, and stated with substantial accuracy the condition of public sentiment in this country and in Europe during the period of time within which the Declaration of Independence was issued and the Constitution was framed and ratified.

"708. Great injustice was done to the Chief Justice in ascribing to him the remark, as applicable to the then present time, that negroes 'had no rights which a white man was bound to respect.' These words were severed from the connection in which they stand in the opinion, and it is only just to the Chief Justice and to history that they should be read by the student and by the public in their relation to the context.

"709. The Chief Justice said: 'It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted. But the public policy of every European nation displays it in a manner too plain to be mistaken.

"710. They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit.'

"Sec. 711. The Chief Justice then reviewed the proceedings of the Colonies and in the States of Europe, which, unhappily, fully sustain his statements as to the public opinion of the so-called civilized world previous to the year 1790."

Although it may seem to be a matter of minor importance, attention is called to a valuable note by Hon. William A. Richardson, Chief Justice of the Court of Claims of the United States, at p. 322, on the question, whether punctuation is a part of the law. He points out quite clearly how the common error arose, that "punctuation is no part of the law," and shows as clearly that, in the modern method of enacting statutes, punctuation is as much a part of the statute as the words contained in it; concluding, however, that "both [punctuation and the words] are to be read according to the obvious intention of the legislature deduced from the whole act considered together, and both may be changed to carry out that intent. *Ewing v. Burnet*, 11 Peters, 41; *United States v. Ishm*, 17 Wall. 496; *Wilson et al. v. Spaulding*, 19 Fed. Reporter, 304, and numerous other decisions."

This book, of moderate size and proportionately low price, should be in the hands of everybody who desires to ascertain by the readiest means what the Constitution of the United States is, *as construed by the Supreme Court* during the first century.

E. C. B.